

BUILDING TO BEGIN

Rails Ordered for Hilo.
Onomea Section
of Line.

Eight hundred tons of seventy-pound steel rails have been ordered from eastern manufacturers by Philip Peck, for the Hilo-Kohala railroad and they are now en route to the islands. This shipment will be sufficient to lay the track from Hilo to Onomea.

It has been decided not to lay a steel bridge across the Waikuku river at Hilo as originally planned, because it has been found too expensive. This bridge had also been planned for a position which would have compelled the engineers to build the road across the river on a curve.

A pile bridge will be built instead to cross at another location. This will be a straight bridge and will be much larger than the steel bridge.

Mr. Hawhurst has been appointed Chief Engineer of the railroad and is now actively working up plans and specifications for contracts for grading. He has placed contracts in Hilo for ties for the first section of eight miles. The rails are being furnished by C. Brewer & Co., of Boston, who are taking part payment in bonds.

The grading of the road will proceed as soon as the cane is cut off the fields along the line of the road and this will be effected during the next two or three months.

RUSSIA IN MANCHURIA.

How Russia became so powerful in Manchuria is a tale which dates back to the evacuation of the Japanese forces from that vast province after the payment to Japan by China of 30,000,000 Kuping taels war indemnity. The evacuation of Manchuria was completed in the month of December, 1895.

In the autumn of 1896 some surprise was caused in China by the publication in the Shanghai English press of a translation of what purported to be a Convention (known as the Cassini Convention) between Russia and China for the construction of a railway through Manchuria to connect the Trans-Baikal and Southern Ussuri sections of the Siberian railway, and for the leasing to Russia of certain ports in Manchuria and China. In September, 1896, an agreement was entered into between the Chinese government and the Russo-Chinese bank, whereby, inter alia, the latter undertook to form a company, to be called the Chinese Eastern Railway Company, to construct a railway through Manchuria from the town of Chita in the Trans-Baikal Province, to a point in the Southern Ussuri Railway.

The general terms were that the shareholders were to be Russians and Chinese only; that the gauge be the Russian gauge of five feet; that work begin in twelve months from the issue of the Imperial Decree; that the railway be completed in six years; that on the expiration of eighty years from the completion of the line and the inauguration of the railway as a running concern, the railway and all railway property shall pass, without payment, to the Chinese government, who shall not be responsible for any losses which the company may have sustained during that period; and that the Chinese government have the right, at the expiration of thirty-six years from the inauguration of the railway as a going concern, to take over the railway on due payment, such payment to include the actual cost thereof, together with all debts and interest thereon, but any surplus, after payment to shareholders, shall be added to the capital account and shall be deducted from the cost of the line to be paid by the Chinese government.

In accordance with this agreement the first sod of the Manchurian railway was cut, with great ceremony, on August 28, 1897, at a point on the eastern frontier of Kirin and Primorsk. The fact that Vladivostok, which would have been the eastern terminus of the railway, had not the Manchurian agreement given the Russians Port Arthur, is closed by ice for several months of the year, was Russia's strongest reason for desiring a terminus far to the southward.

The following general terms of agreement between China and Russia were concluded on March 27, 1898:

It being necessary for the protection of her navy in the waters of North China that Russia should possess a station she can defend, the Emperor agrees to lease to Russia, Port Arthur and Ta-lien-wan, together with the adjacent seas. The duration of the lease shall be twenty-five years, but may be extended by mutual agreement.

The control of all military forces in the Territory leased by Russia, and of all naval forces in the adjacent seas, as well as of the civil officials in it, shall be vested in one high Russian official who shall be designated by some other title than Governor-General. All Chinese forces shall be withdrawn from the Territory.

The two nations agree that Port Arthur shall be a naval port for the sole use of Russian and Chinese men-of-war, and be considered an unopened port so far as the naval and mercantile vessels of other nations are concerned. As regards Ta-lien-wan, one portion of the harbor shall be reserved exclusively for Russian and Chinese men-of-war, but the remainder shall be a commercial port freely open to the merchant vessels of all countries. Port Arthur and Ta-lien-wan are the points in the territory leased most important for Russian military purposes. Russia, shall therefore, be at liberty to erect at her own expense forts and build barracks and provide defences at such places as she desires.

On March 28, 1898, the Russians occupied Port Arthur.

DARKENED SENATE COUNSELS.

It would be hard to be as wise as the Senatorial Commissioners looked while holding their high inquisition into Hawaiian affairs in Honolulu. Most sanguine hopes were formed by some who witnessed the proceedings that not the least of the results of the Commission's visit would be intelligence imparted to discussions of Hawaiian affairs in the United States Senate. What a cold douche must have fallen upon those hopes in the hearts where they were cherished with the report of the Senate debate upon Liliuokalani's claim.

Senator Blackburn gravely informed that most august assembly of the world that "since the dethronement of the Queen and the taking possession of the crown lands, which were hers as long as she retained the sovereignty of those islands, the government"—meaning, as the context shows, the United States government—"has received in round numbers an average yearly rental of \$43,000 from those lands. So about a half million of money has been collected since her dethronement as the rents of the crown lands alone."

Then it is related that "in the course of the debate the amount of these rentals and the beneficiary of them was inquired into extensively by Senators." And, most astonishing of all: "The replies developed the information from Senator Mitchell of Oregon and others that the exact amount of the rentals in ten years has been \$432,378.06 and that that amount has gone into the federal treasury here in Washington, not into the Territorial treasury."

Senator Mitchell, chairman of the Commission, helped to give the Senate this "bill." It is as far astray as the statement of the Delegate from Arizona, at this same session, representing that Hawaii had cost the United States four millions but had not yet returned one cent of revenue to the federal treasury, having no public lands and no mines to sell. Mitchell must have forgotten the warm afternoons he sat on the Hawaiian Hotel veranda listening to the pleadings of the anti-Dole malcontents to have the Commission recommend that the administration of the public lands of Hawaii, which include the crown lands, should be transferred from Honolulu to Washington.

It might be idle to ask where was Senator Foster of Oregon, the Nestor of the Commission, while the Senate was having its counsels darkened as shown by such misstatements of fact. Many of those who attended the sessions of the Commission in Honolulu will remember that the venerable gentleman from Washington State invariably took the occasion to have a refreshing nap while Humphreys, Gill et al. had the center of the stage. Once in particular, while he was acting chairman in Mitchell's absence, Foster indulged in a sound snooze while a dreary recital of misinformation and abuse was being poured forth by one of that coterie. It produced conspicuous vexation in the orator, yet it was only one of many instances of Foster's sleeping while Dole's enemies were sowing tares.

As for Burton of Kansas, nothing was expected of him by honest folk here after observing him in the Commission or conversing with him outside. Anyhow, if he was present at the Liliuokalani debate in the Senate, his mind was probably roaming back to the recent grand jury assizes in his home parish at which some graft was investigated.

With reference to the statements made without correction on the floor of the Senate, regarding Hawaii's crown lands, it is only necessary to remark that if that half million of revenue had gone into the United States treasury along with the six or eight millions of tribute in customs duties, internal revenue, etc., collected from Hawaii since annexation, Kopeikai would long ago have resigned and his successor, even if baptized into "the official family," would probably be in the insane asylum raving about Territorial finances.

FACTIONS IN HAWAII.

Congressmen have much to say about factions in Hawaii as if such things were unknown to the mainland, strange phenomena of tropical politics to be viewed with suspicion and alarm and set down to the sole discredit of the Territory. In point of fact, however, there are not a dozen Senators nor fifty Representatives at Washington whose elections did not mean the victory of one faction of their party over another. Such triumphs are always preceded by hard fights and hard feelings. Not so many years ago the Republican party of the nation was bitterly divided between the Halfbreed and Stalwart factions and today the Democratic party is imperilled by the Gold and Silver factions of whom Cleveland and Bryan are the chief and hostile representatives.

That considerable ill-will should exist in Hawaii between large bodies of electors is really more to be expected than in Ohio, for example, where, for years, the Hanna and Foraker factions whetted knives for each other's throats. Here we not only have inflaming issues of policy and persons as they have in the current politics of Ohio and New York and in all other States and Territories, but we have the irritating bequests of an armed revolution, which overthrow the monarchy and of an abortive one to restore it. It took fifty years on the Atlantic coast to wipe out the factions left by the American Revolution. The million Tories who lived in the country during and after that war, left a factional heritage of political malevolence which the patriots had to confront. So in Hawaii, where, after eleven years from the overthrow, the voting majority are Monarchists in thought and in speech and they are led by carpet-baggers who use the strength of these Monarchists to the disadvantage of the country and for their own benefit. In such a case sharp differences in policies are inevitable and morally necessary. Come what may the fruits of the revolution of 1893, among which are honest government, a free press and just courts must be preserved; and if the defence of these great monuments involves factionalism it also involves patriotism and in such a case the one manifestation can hardly be distinguished from the other.

COMMERCIAL ASPECTS OF THE WAR.

The opening up of China would probably follow the success of Japanese arms; sequestration of the old empire behind Russian defences and tariff walls would come of the success of the Muscovite campaign. For the commerce of the Pacific and all which that implies to Hawaii and the Pacific coast, a Japanese triumph is to be desired.

The Asiatic commercial policy of Japan is represented by the Open Door. Japan's own tariff is low, her protection for manufactured goods against alien competition being chiefly afforded by her cheap skilled labor. It is her desire as it is that of England and the United States to reorganize and civilize China so as to increase its wants and make it a better customer for such goods as the manufacturing nations have to sell. Once become the arbiter of China, Japan would encourage the opening of mines, the building of railroads, the production of tea, everything save cheaper manufacturing than her own, and this is precisely what the United States long ago joined England in preferring. Such a policy would boom the trade of all progressive nations, Japan, England and the United States in particular. It would hasten the realization of Seward's commercial dream and incidentally, in connection with the Panama canal, would make this cross-roads port one of the busiest in the world.

Russia proposes to use China as she does Siberia, for purely private exploitation, also as a place in which to drill native armies for an eventual attack on India. There would be no open door if she got possession; instead there would be barriers put in the way of foreign intercourse and China would soon be out of the world save possibly at such ports as Hongkong, Shanghai and Macao.

The acquittal of Jones and Finn, was preceded by that of Murphy, accused of killing Joe Perry. This makes three unsolved homicidal mysteries within a year—two cases where actual murder and one case where attempted murder occurred without anybody being punished for it. Once in Hawaii it was unsafe to kill people. That was the period of race juries and of Chief Justice Judd's stone wall decision. But now human life is held exceedingly cheap and no man accused of homicide has a reputation bad enough to raise a presumption against him in the "mind" of a mixed jury when he disputes the accusing testimony of credible witnesses. Hawaii has become a safe place in which to do or to attempt a capital crime.

Rain has been in the habit of falling occasionally in Hawaii ever since the group was inhabited. Roofs on houses were early introduced from abroad, but the country has never become wise enough to make roads and bridges of a character that will "wash."

Let us hope that the treasure of the Incas will not prove to be a find in the fertile imagination of the man who discovered the mythical hoard of gold in the walls of Pope Leo's bedchamber.

The skies broke loose early Saturday morning and by two o'clock most of the streets were afloat. Ii'iko street appeared in its customary wet-day guise of a muddy river. The downpour again demonstrated the value of the storm sewers, without which Honolulu would have needed a flotilla of arks.

There is a current monograph on "The Evil Effects of a Veal Diet" which should be of value to the readers of the Bulletin's war views—if there are any left.

TRIBUTE TO HENRY
WATERHOUSE

In the Central Union Church Record is the following tribute to the late Henry Waterhouse:

The pastor's personal relations with Mr. Waterhouse covered the entire period of his ministry in Honolulu. It seems to him now as a golden chain, each link of which constitutes a beautiful memory. During an active ministry of over twenty-five years the pastor has never come in contact with a church official who has endeared himself more to his heart by his loyal co-operation. He was a friendship which, once given, never swerved. He was a man of many friends. Popularity came to him as naturally as if it were an endowment of his birth. He made friends as easily as he kept them. To meet him was to come under the influence of a gentle, sunny, affectionate nature such as few men have the fortune to possess. Strong as he was in his beliefs, courageous as he was in his convictions, and unyielding as he was in his sense of right and honor, it seemed impossible for him to make an enemy. He dwelt in an atmosphere which drew men, and especially children, to him. There was no show, no pretense; but there was the simple performance of duty. He was a noble type of Christian manhood. He loved to do good. He delighted to make others happy. The pastor never met a man that had a profounder and sweeter sympathy. In the official meetings of the church, he was ever a peace-maker; and it takes rare wisdom to be that—rare tact and disinterestedness. He lived the Christian life; not professing Christianity merely and failing to manifest its spirit; he lived it, and "his works do follow him." It was not permitted him to live out man's appointed time. The mysterious clock to which Oliver Wendell Holmes so beautifully refers, which the angel of life wound up to run three score years and ten, ran down before the elapse of the allotted time. But the bounds which are fixed to the duration of a life do not always measure its worth. The career of Mr. Waterhouse, though cut off in the midst of its usefulness, has been a noble and wholesome example in right living, high thinking, and unselfish service both in private and public life, and his memory will ever remain an inspiration to those who loved him living and mourn him dead. He had much to live for. He was surrounded by family ties that were the tenderest and truest that a noble wife and devoted children can create about the heart of a man. When he fell ill a few months ago, a shock came to us all—a sense of impending calamity. His life had so intertwined itself into that of the church. We felt how much we would lose if he were taken from us.

We need no words of inspiration to show us that no noble soul cannot taste of death; we need no divine revelation to prove that such a choice spirit cannot pass to the realms of nothingness and oblivion; we need no testimony from the dead that immortality is the reward of such a life. Could we harbor the thought that the reverse were true it would wring the very fibres of our being. Our beloved deacon and brother, Mr. Waterhouse, has passed on to the better and higher life that lies beyond the confines of mortality—a life the span of which, unmeasured by the flight of years, is filled with immortal significance and joy. Let us treasure the lessons of this life, and may they prove an inspiration in the conduct of our own.

"To live in hearts we leave behind
Is not to die."

Collector is Upheld.

Collector Stackable has received notice of a decision by the United States Board of General Appraisers affirming his classification of millet-seed cake as confectionery. The protest of U. Kobayashi, the Japanese merchant, was overruled. The decision follows:

Waite, General Appraiser: Small cakes made from millet seed, sesame seed, and sugar, and inclosed in a wrapper printed in Japanese characters, were classified in this case under the provision for "sugar candy and all confectionery not specially provided for" in paragraph 212 of the tariff act of 1897 at 4 cents per pound and 15 per cent ad valorem. They are claimed to be dutiable as nonenumerated manufactured articles at 20 per cent under section 6, or as prepared vegetables at 40 per cent under paragraph 241.

The examiner reports: The merchandise in question appears to be a mixture of millet seed with a small portion of sesame seed pressed into small oblong shapes 4 1/2 inches by 2 1/2 inches by 1/2 inch, ribbed at regular intervals for convenience in breaking and the whole dipped into a syrup made of sugar. * * * These so-called cakes * * * are used as a confectionery or sweetmeat solely.

Upon analysis the official sample was found to contain about 15 per cent of cane sugar. The articles appear to be such as might be found in a confectioner's shop along with pop-corn bars, peanut bars, etc., which they seem to resemble in process of manufacture. The record, we think, does not warrant any disturbance of the collector's action. The importers failed to appear at the hearing in person or by attorney, and offered no evidence whatever in support of their claims.

The protest is overruled and the collector's decision affirmed.

TOOK IN THREE
THOUSAND DOLLARS

There was a lively time about the police station yesterday. Nearly sixty Chinese who had been arrested on Sunday for gambling, were held for bail. Their cases came up in court yesterday morning and were continued until today. The men had originally put up \$6 bail each, but the Deputy Sheriff required each man to put up a new bond for \$50. The station was crowded with friends of the gamblers and the clerks took in nearly \$2,000 in cash.

DELINQUENT
STOCK LAWParker and Desky
Carry Their
Points.

Judge Robinson yesterday rendered decisions in the suits of the Orpheum Company, Ltd., respectively against Samuel Parker and Charles S. Desky. In each case he grants the motion for a nonsuit.

In the Parker case the first count relates as cause of action a promissory note for \$1068.23, and the second count a balance of \$488 alleged to be due on assessments of \$3 a share on Orpheum stock. It was admitted that the promissory note was given in payment of a prior assessment on the same stock, of which defendant had subscribed for 250 shares.

GROUNDS OF MOTION.

The motion for a nonsuit was on the grounds that there had been no obligation or contract proved upon Mr. Parker to accept any shares of the company, that he had not agreed to pay anything, that it was a contract to purchase merchandise for \$500 in value and would not be binding unless in writing, that there had been no written acceptance by Mr. Parker of these shares or any agreement to pay for them; that the testimony showed that the relation of stockholder had been canceled by the sale of shares at auction, and while the plaintiff had the election of remedies to hold Mr. Parker he is no longer liable; that there had been no authorization shown by the corporation to sell stock for it, and that there was no personal liability on the part of the stockholder to pay assessments on the stock when the stock had been sold, or in any event.

ONE POINT REJECTED.

The court does not sustain a contention by defendant that no stock was ever issued to him because his shares were still attached to the stock book and not received for. There was evidence that Mr. Parker asked Treasurer Colburn to take care of the shares for him, though Mr. Parker testified he had no recollection of such a conversation.

RELATION HAD CEASED.

On the other ground, namely, that the relation of stockholder had ceased with the sale of his shares for delinquency. While the common law of England is only in force under limitations in this Territory, as he points out with reference to Hawaiian decisions, he comes to this conclusion:

"Still I am inclined to think that the power given to the directors of any incorporated company by Section 2059, Civil Laws of 1897 (S. L. 1890, Sec. 9, Chap. 43), to sell at public auction a sufficient number of the shares of any stockholder who shall neglect to pay any assessment duly levied upon the shares, until the whole par value has been paid in, is not an exclusive remedy, but is cumulative merely, and the corporation may, under our law, elect either to foreclose and sell at public auction a sufficient number of shares of any stockholder who shall neglect to pay any assessment duly levied upon the shares until the whole par value has been paid in, or pursue its common law remedy by suit at law."

AN APPALLING CONTINGENCY.

"But it cannot consistently pursue both remedies. And the reason is apparent, for if the corporation, the remaining membership of which comprised the owners and holders of but little over half of the amount of stock originally subscribed, could sell the stock at delinquent sale for a title of its par value, the corporation or its remaining members buying it in, and also collect by suit at law the difference between the amount realized at the sale and the par value of the stock, the value of the stock remaining in the corporation, or purchased by it or its remaining members, could be advanced and enhanced in value amazingly, without rendering one cent of consideration to the original subscriber whose stock had been sold. The results of the recognition and application of any such principle of law would be appalling."

"A forfeiture and sale of the shares of a stockholder operates as a remission of the contract of membership and wholly dissolves the delinquent member's connection with the company. He is not thereafter entitled to any of the privileges of membership and ought not to be compelled to bear any of the burdens which are incidental to that position. Nor would it be just to compel a shareholder whose shares have been forfeited for non-payment of calls to pay any portion of such calls remaining unpaid after giving credit for the amount realized by the sale of the shares. If the charter of a corporation simply authorizes a forfeiture and sale of the shares of a shareholder for non-payment of calls, and the agents of the company elect to pursue that remedy, the shareholder is discharged from liability for any calls remaining unpaid although the shares may sell for less than the amount of the calls."

CANNOT COLLECT NOTE.

"Nor can an incorporated company which exercises its power to forfeit the stock of the subscriber for the non-payment of a call, afterward recover upon a note given to it by such subscriber for a previous unpaid assessment on his stock."

In support of the latter proposition the court quotes Judge Dillon in the Federal case of Ashton vs. Burbank, as holding that a note given for an unpaid stock assessment represents that assessment.

"Counsel for plaintiff," Judge Robinson finally says, "attempts to draw a distinction between a strict foreclosure,

that is, the taking of the stock by the corporation itself, and the public sale of the stock for non-payment of its subscription, but I am unable to recognize the distinction, as both methods effectually conclude the delinquent member's connection with the company."

DESKY'S CASE DIFFERENT.

The nonsuit granted to Mr. Desky was on different grounds. He was sued for \$500 on his subscription of Orpheum stock. His shares were not offered at auction as delinquent. He defended the suit with the plea that due notice of the assessment was not given him. The company's by-laws provide that:

"Notice of meeting, assessments or dividends, or other notices to stockholders herein provided for, or which may be ordered by the directors, shall be served upon the stockholders personally, or by sending it through the post in a letter or by post card addressed to such member at his post office address, or by advertisement for not less than three times in at least one newspaper published in the city of Honolulu."

Upon a review of the evidence, Judge Robinson does not find this provision to have been complied with. On this crucial point he says:

THE NOTICE REQUIRED.

"Unless provision is expressly otherwise, the notice must be given by handing the subscriber a written notice, or by informing him orally that the call has been made, giving the amount, time, place and the person to whom payment is to be made. Where notice is served, not personally but by mail, the notice is effective only in case it is actually received. A publication of a notice in a newspaper is not binding and effectual unless it is proved that the subscriber who is sued actually read the notice as published."

C. W. Ashford represented plaintiff in both cases. Magoon and Lightfoot appeared for Parker, and B. L. Marx for Desky.

LATEST HAWAIIAN
STAMP ROMANCE

"Another extreme rarity in stampdom is that of the Sandwich Islands—the two-cent specimen of the first issue of the Hawaiian postoffice. Only a very few are in existence, and a single copy is valued at \$3,000. The reason this stamp is so scarce is that only two days after their issue fire broke out in the postoffice and destroyed the entire stock, including the plates and dies. The few that are left of the issue, and which are so valuable today are the ones that had been circulated before the fire."

The foregoing is from a purported interview with a young stamp collector of New York City. It would be interesting if true, which it is not. A local authority on stamps explains the rarity of the old Hawaiian "2" by the fact that it was used on newspapers, therefore extremely liable to being thrown away with the wrappers. The reason the "12" is not so rare is that when it was in use envelopes were not much in vogue and hence the stamp was preserved upon the folded letter filed by the receiver when it was deemed worth keeping. There were no "plates and dies" of the first issues of Hawaiian stamps to be destroyed by fire or otherwise, as they were struck off when needed from forms of movable type kept standing in a local printing office.

SUMNER WOULD
LIVE ALONE

Old John K. Sumner has broken with all of his Hawaiian relatives and intends to bring his Tahitian cousins and nephews here to Oahu to make their homes. Mr. Sumner has leased a piece of land on the Koolau side of the island near the seashore and intends to remove to his new home next week. He said yesterday that he intended to make his permanent home in the islands in the future. As soon as his Tahitian cousins and nieces and nephews send for him he intends to go to Tahiti and dispose of his interests there and return to Honolulu with them to live. Mr. Sumner said that he wasn't living with Wally Davis any more and intended to go to Koolau and live by himself in the future.

Sumner is eighty-four years old now, but he is as hale and hearty as ever and was walking about the streets yesterday without even the use of a cane.

ONE OF THE TRIUMPHS OF MODERN SURGERY.—By applying an antiseptic dressing to wounds, bruises, burns and like injuries before inflammation sets in, they may be healed without maturation and in one-third the time required by the old treatment. This is one of the greatest discoveries and triumphs of modern surgery. Chamberlain's Pain Balm acts on this same principle. It is an antiseptic and when applied to such injuries causes them to heal very quickly. It also allays the pain and soreness. Keep a bottle of Pain Balm in your home and it will save you time and money, not to mention the inconvenience and suffering such injuries entail. For sale by all Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

The thud heard last evening about 8:30 was the one administered by the Republican Executive Committee to a V. Gear.